

AN ORDINANCE

1 99827

CLOSING, VACATING AND ABANDONING FOUR (4) FEET OF A FORTY SIX (46)-FOOT WIDE DRAINAGE EASEMENT FOR THE CONSTRUCTION OF A PERIMETER WALL ADJACENT TO THE SUMMERFIELD NEIGHBORHOOD ALONG WURZBACH PARKWAY IN COUNCIL DISTRICT 8, AS REQUESTED BY THE SUMMERFIELD HOMEOWNERS ASSOCIATION, INC., FOR THE TOTAL CONSIDERATION OF \$3,401.00.

* * * * *

WHEREAS, the **Summerfield Homeowners Association, Inc.**, as Petitioner and owner of the abutting property, has requested that the City of San Antonio close, vacate, and abandon an approximately 0.083-acre tract of land, being the north four feet of a forty six-foot wide variable drainage easement along Wurzbach Parkway adjacent to the Summerfield neighborhood for the construction of a noise abatement perimeter wall, for the consideration of \$3,401.00; and

WHEREAS, Petitioner's request has been circulated through all interested City departments, utility agencies and the applicable State of Texas department involved and Petitioner has agreed to the conditions and/or restrictions imposed by the City Departments of Asset Management, Public Works, Planning, and Development Services, as well as the San Antonio Water System, City Public Service and the Texas Department of Transportation through a Letter Agreement dated August 2, 2004; and

WHEREAS, this request was considered at the regular meeting of the Planning Commission held on September 22, 2004 and, following a public hearing, the Commission has recommended to the City Council approval of such request; and the City Council, following a public hearing on September 30, 2004 approved such closure; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The north four feet of the forty-six foot wide variable drainage easement along Wurzbach Parkway adjacent to the Summerfield neighborhood, being an approximately 0.083 acre tract of land in the City of San Antonio, as shown on **Attachment I** affixed hereto and incorporated herein verbatim for all purposes, are hereby closed, vacated, and abandoned, as requested by the Summerfield Homeowners Association, Inc.

SECTION 2. The City Manager or the Manager's designee is hereby authorized to execute any and all legal documents if and only if deemed necessary by the City Attorney's Office, to facilitate the closing of these properties.

SECTION 3. The City acknowledges receipt from Petitioner of \$3,401.00, which includes the assessed value, and \$60.00 for recording fees for such closing, vacating, and abandoning ("closing action"); however, such closing action by the City is contingent upon the **Summerfield Homeowners Association** agreeing to the conditions set forth in a Letter of Agreement, a copy of which, signed on behalf of the Association, is affixed hereto and incorporated herein verbatim for all purposes as **Attachment II**.

SECTION 4. The proceeds of this agreement shall be deposited into Fund 11 entitled "General Fund," Index Code 012732 entitled "License Agreements-Use of R.O.W."

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance shall be effective on the 10th day of October, 2004.


PASSED AND APPROVED this 30th day of September, 2004.

ATTEST:


City Clerk


M A Y O R
EDWARD D. GARZA

APPROVED AS TO FORM:


City Attorney

Agenda Voting Results

Name: 4. 99827

Date: 09/30/04

Time: 04:22:18 PM

Vote Type: Multiple selection

Description: 4. 3:00 P.M. - Public Hearing and consideration of an Ordinance closing, vacating and abandoning four (4) feet of a forty six (46)-foot wide drainage easement for the construction of a perimeter wall adjacent to the Summerfield neighborhood along Wurzbach Parkway in Council District 8, as requested by the Summerfield Homeowners Association, for the total consideration of \$3,401.00. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present	x		
JOEL WILLIAMS	DISTRICT 2				
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		